UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,893	11/24/2003	Sivaprasad Padisetty	MSFT125957	5309

38991   7590   10/14/2008
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER
WAI, ERIC CHARLES

ART UNIT	PAPER NUMBER
2195	

MAIL DATE	DELIVERY MODE
10/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 July 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-21 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 3, 8, 10, 15, and 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jones et al. ("TASK Forces: Distributed software for Solving

Problems of Substantial Size", Proceedings of 4th Software Engineering, September

1979, pgs 315-330).

4.   Regarding claim 1, Jones teaches the computer-readable medium having

computer-executable instructions for performing steps for coordinated execution of

distributed tasks, comprising:

    receiving, by a first computer in a group of peer computers, each of the peer

computers having at least one processing unit and one input device and one output

device distinct from the at least one processing unit (pg 315, "1. Introduction" paragraph

1, wherein multiple processor computers can by distributed computers connected with

high speed communication lines), a set of execution instructions for the peer computers,

the execution instructions including tasks to be performed and an automatically, without

user action, determined assignment of the tasks to the peer computers (pg 315, "1.

Introduction" paragraph 2, and pg 316 col 2 paragraph 4; wherein task forces is a

collection of cooperating, communicating processes, which use system synchronization

and communication mechanisms to solve a single problem, and assignment of

processes takes place)

forwarding, to the other peer computers in the group, execution instruction

information derived from the execution instructions such that each peer computer in the

group is informed of tasks assigned thereto in relation to tasks assigned to the other

peer computers (pg 326, col 1, "The Coordinator", paragraph 1; wherein the manager

coordinates server actions);

executing, tasks assigned thereto in connection with execution of tasks assigned

to the other peer computers in the group (pg 326, col 1, "The Coordinator", paragraph 1;

wherein the coordinator process also handles the I/O associated with the image

processing tasks), and

receiving, by the first computer from each of the other peer computers, and

transmitting, by the first computer to each of to other peer computers, peep-to-peer

communication messages containing task execution status to synchronize and

coordinate the execution of the sequence of tasks (pg 315, "1. Introduction" paragraph

2, wherein it is inherent that communication messages are used to coordinate

execution).

5.   Jones does not explicitly teach that a sequence of tasks is received. Jones does

teach that it routine for the execution of one process to be depending upon the progress

of another process (pg 317, col 1 last paragraph). It would have been obvious to one of

ordinary skill in the art to modify Jones to teach a sequence of tasks since it is well

known in the art that program execution is typically serial in nature.

6.   Regarding claim 3, Jones teaches that the execution instructions include a job

that executes a predefined set of tasks (abstract, wherein it is inherent that the

processors execute a set of tasks that are predefined).

7.   Regarding claim 8, 10, 15, and 17, they are the method and computer system

claims of claims 1 and 3. Therefore, they are rejected for the same reasons as claims 1

and 3.

8.   Claims 2, 7, 9, 14, 16, and 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jones et al ("TASK Forces: Distributed software for Solving Problems

of Substantial Size", Proceedings of 4th Software Engineering, September 1979, pgs

315-330) in view of Applicant's Admitted Prior Art (AAPA).

9.   Regarding claim 2, Jones does not teach that the sequence of tasks to be performed constitutes a test run of interactive computer operations.

10.   AAPA teaches the use of testing to ensure the proper functioning of computer hardware and software ([0002]).

11.   It would have been obvious to one of ordinary skill in the art at the time of the invention to include that the sequence of tasks to be performed constitutes a test run of interactive computer operations. One would be motivated by the desire to ensure that the computers function properly.

12.   Regarding claim 7, Jones does not teach performing the step of reporting results of execution of tasks to a database.

13.   However, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the reporting of results to a database. One would be motivated by the desire to save the results of a testing process as indicated by AAPA ([0002]).

14.   Regarding claim 9, 14, 16, and 21, they are the method and computer system claims of claims 2 and 7. Therefore, they are rejected for the same reasons as claims 2 and 7.

15.   Claims 4-6, 11-13, and 18-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable Jones et al ("TASK Forces: Distributed software for Solving Problems of

Substantial Size", Proceedings of 4th Software Engineering, September 1979, pgs 315-

330) in view of Saulpaugh et al. (US Pat No. 6,934,755 hereinafter Saulpaugh).

16.   Regarding claim 4, Jones does not teach that the execution instructions are

provided to the first computer in an input XML document.

17.   Saulpaugh teaches the use of the XML standard to represent objects and code

(col 16 lines 1-7). Saulpaugh also teaches that XML object representations are

language independent so that Java and non-Java applications can send and receive

object from each other (col 16 lines 15-20).

18.   However, it would have been obvious to one of ordinary skill in the art at the time

of the invention to include that the execution instructions are provided to the first

computer in an input XML document. One would be motivated by the desire to use a

communication standard to perform the passing of platform independent messages.

19.   Regarding claims 5-6, Jones, and Saulpaugh do not explicitly teach that the first

computer process the input XML document to derive the execution instruction

information for sending to the other peer computers and formats the execution

instruction information as a second XML document for sending to the other peer

computers.

20.   However, it would have been obvious to one of ordinary skill in the art at the time

of the invention to include deriving the execution instruction information for sending to

the other peer computers in XML format. One would be motivated by the desire to use a

communication standard to perform the passing of platform independent messages.

21.   Regarding claim 11-13, and 18-20, they are the method and computer system

claims of claims 4-6. Therefore, they are rejected for the same reasons as claims 4-6.

Response to Arguments

22.   Applicant's arguments filed 06/18/2008 have been fully considered but they are

not persuasive.

23.   Applicant argues on pg 12:

"Jones fails to teach or suggest an automatically, without user action, determined

assignment of tasks to peer computers because the system described in Jones requires

user input for the partitioning of a problem into tasks."

24.   Examiner disagrees. While Jones does not teach automating the assignment of

tasks, Jones does teach the assignment of tasks by a user as indicated by Applicant. As

such the courts have held that broadly providing an automatic or mechanical means to

replace a manual activity which accomplished the same result is not sufficient to

distinguish over the prior art (MPEP 2144.04 III).

25.   Applicant argues on pg 12:

"Jones further fails to teach or suggest receiving, by the first computer from each of the other peer computers, and transmitting, by the first computer to each of the other peer computers, peer-to-peer communication messages to synchronize and coordinate the execution of a sequence of tasks ... because the sequence of tasks in Jones is coordinated not by peer-to-peer communication messages, but is instead coordinated by a Manager process."

26.   Examiner disagrees. Jones is very clear that messages or synchronization objects are communicated between peer processes. Jones further teaches that each server process independently coordinates the data access with its neighboring server process (pg 326, col 1, paragraph 2). While it is true the Jones does make use of a coordinator/manager process, Jones clearly teaches that each server is capable of independently communicating with another server process.

27.   Applicant argues on pg 13:

"Even when the server processes of Jones do communicate with each other, they do not communicate with each of the other peer computers as recited in tile amended claims, but instead only with those server processes that manipulate a contiguous slice or with the Manager. See page 318, Col. 1, paragraph 1."

28.   Examiner disagrees. Under the broadest reasonable interpretation, an

embodiment of Jones can only include server processes working on the same

contiguous slice. Such an embodiment would read upon the invention as claimed.

29.   Applicant argues on pg 13:

        "Further, the server processes do not communicate by transmitting or receiving

peer-to-peer communication messages as recited in the amended claims, but instead

communicate through the use of shared objects. See page 317, Cols. 1-2, last

paragraph of Col. 1 ("Messages or shared data structures are used to communicate

control information between tile two processes. In TASK, we base communication on

shared objects, because our target computer is a multiprocessor." (Emphasis added.)).

To the extent that the Office Action stated that the use of messages to coordinate

execution is inherent, applicants respectfully disagree, as the passage quoted above

shows that Jones explicitly does not use messages to coordinate execution."

30.   Examiner disagrees. While Jones preferred embodiment does not make use of

messages, Jones does teach the use of messages. As such a reference may be relied

upon for all that it would have reasonably suggested to one having ordinary skill in the

art, including nonpreferred embodiments (MPEP 2123 I. Patents are relevant as prior

art for all they contain).

Conclusion

31.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric C. Wai whose telephone number is 571-270-1012. The examiner can normally be reached on Mon-Thurs, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng - Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/   /Eric C Wai/
Supervisory Patent Examiner, Art Unit 2195   Examiner, Art Unit 2195